

Attorney Docket No.: 2870/192

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Lawson, et al.

Serial No.: 09/441,832

Group Art Unit: 1619

Filed: November 17, 1999

Examiner: Berman, Alysia

For: Gel-Type Oil Free Cosmetic

#20/B  
HKD  
10/11/02**PRELIMINARY AMENDMENT**

Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

The following Preliminary Amendment is submitted as a further response to the Final Office Action dated April 1, 2002 and the Advisory Action dated July 11, 2002. Applicants previously filed, on July 1, 2002, a response to the Final Office Action, which was considered but not deemed to place the application in condition for allowance. Applicants filed a Notice of Appeal on August 1, 2002. Concurrently herewith, Applicants file a Request for Continued Examination, and respond herein to comments made by the Examiner in the Advisory Action. In the Final Office Action the Examiner rejects Claims 1 to 3, 7 to 19, 21, 23, 25, and 26 and refers to the comments contained in the previous Office Actions in the Advisory Action. Please consider the following amendments and accompanying remarks.

**CLEAN AMENDMENTS**

Please amend the following claims in their clean form below and as the previous version of the claims is marked on the attached page entitled **MARKED AMENDMENTS**.

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1. (Amended) A non-emulsion topical mousse-textured composition comprising an aliphatic polyhydric alcohol, an alkali salt of a fatty acid ester or an amine salt of a fatty acid ester, a sterol-based surfactant/emulsifier selected from the group consisting of cholesterol, phytosterol and derivatives thereof, water, and substantially no oil.